

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NAHANT PRESERVATION TRUST, INC.  
and its Directors, Officers, Trustees,  
Committee Members and/or Volunteers:  
CHRISTIAN BAUTA, TESS BAUTA,  
ELIZABETH K. BERMAN, ANNE  
BROMER, CANDACE CAHILL,  
MICHELLE CAPANO, ALICE CORT,  
MARK CULLINAN, CARL KENKINS,  
MARILYN MAHONEY, WILLIAM  
MAHONEY, DAN MCMACKIN, DIANE  
MONTEITH, ANDREA MURPHY,  
JEFFREY MUSMAN, PATRICK O'REILLY,  
MARIE ELIZABETH PASINSKI, M.D.,  
ROGER PASINSKI, M.D., VI PATEK,  
LINDA PIVACEK, EMILY POTTS, LAURA  
POULIN, PETER ROGAL, PEGGY SILVA,  
SUSAN SOLOMON, PH.D, PAUL SPIRN,  
DONNA STEINBERG, and JIM WALSH,

Plaintiffs,

v.

CIVIL ACTION NO. 1:22-cv-10486

MOUNT VERNON FIRE INSURANCE  
COMPANY and UNITED STATES  
LIABILITY INSURANCE GROUP,

Defendants.

**THE DEFENDANTS MOUNT VERNON FIRE INSURANCE COMPANY  
AND UNITED STATES LIABILITY INSURANCE GROUP'S MOTION TO DISMISS**

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Pursuant to Federal Rule of Civil Procedure 12(b)(6), the Defendants Mount Vernon Fire Insurance Company and United States Liability Insurance Group (collectively, "USLI") move to dismiss the Plaintiffs' Complaint in its entirety. In support of this Motion, USLI states that the Complaint fails to state a claim upon which relief may be granted because the Plaintiffs did not report the underlying claim to USLI in accordance with the relevant policy's notice provision. For

the foregoing reason as well as the reasons provided in USLI's accompanying Memorandum of Law, this Motion should be ALLOWED and the Complaint against USLI should be dismissed in its entirety.

Respectfully submitted,

MOUNT VERNON FIRE INSURANCE  
COMPANY and UNITED STATES  
LIABILITY INSURANCE GROUP

By their attorneys,

/s/ Lincoln A. Rose

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Dated: April 15, 2022

#### **LOCAL RULE 7.1 CERTIFICATION**

The Defendants Mount Vernon Fire Insurance Company and United States Liability Insurance Group certify that pursuant to Local Rule 7.1(A)(2), the Parties have conferred and attempted in good faith to resolve and narrow the issues.

#### **CERTIFICATE OF SERVICE**

I, Lincoln A. Rose, hereby certify that I have, on April 15, 2022 served a copy of the foregoing document, by causing a copy thereof, to be sent electronically, through the ECF system, to the registered participants in this case, as identified on the Notice of Electronic Filing (NEF). Participants in this case not registered on the ECF system, if any, will receive service through regular first-class mail.

/s/ Lincoln A. Rose

Lincoln A. Rose